

To: Brenda J. Erdoes, Legislative Counsel
Legislative Counsel Bureau
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From: Dorla M. Salling, Chairman
Nevada Board of Parole Commissioners

Re: LCB File No. R086-01
Information Statement Regarding Adoption of Regulations

Date: October 22, 2001

The following informational statement is submitted for adopted new regulations to the Nevada Administrative Code, Chapter 213.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Hearings to discuss the new regulations for the requirement that parolees reimburse the court and the Division of Parole and Probation for the cost of participation in the program were conducted on Thursday, August 30, 2001 and Friday, October 12, 2001.

The Parole Board's notice of intent to act upon regulations was posted at the Parole Board's offices in Carson City and Las Vegas, at the Attorney General's Offices in Carson City and Las Vegas, at the Carson City Courthouse and Clark County Courthouse, at the Carson City Public Library and Clark County Main Library, and at the offices of Parole and Probation in Carson City and Las Vegas. In addition, copies of the notice of public hearing and proposed new regulations were delivered to every county main public library, the State Library and Archives, the Nevada Department of Prisons, every Nevada Sheriff and Police Chief, every Nevada District Attorney, every Nevada District Judge, the Nevada State Public Defenders, the Washoe County and Clark County Public Defenders, and the Nevada Attorney General. Additionally, notices and the copy of the summary was available on the parole board's web site located at www.parole.state.nv.us.

No written comments were submitted to the board by the public. Accordingly, the board offers no summary of written comments submitted by the public.

A summary of the public testimony submitted at the October 12, 2001 meeting regarding the reimbursement to the court and the Division of Parole and Probation by a parolee participating in a program of re-entry follows:

Mercedes Maharis, an advocate for inmate rights, testified against the regulation primarily concerned that parolees and inmates can't afford to pay any potential fees.

Donald Hinton, an advocate for inmate rights also testified against the regulation because of the financial impact this could have on parolees.

Upon conclusion of the public testimony, parole board employee David Smith provided testimony to further clarify for the public in attendance that a parolee would only be returned to the parole board for a violation of this condition if the court determined that the parolee had the ability to pay, and wilfully refused to do so. Mr. Smith further clarified that the proposed regulations simply mirror the language enacted by the Nevada Legislature and that the board is required by law to establish regulations that require parolees who participate in a program of re-entry to reimburse the court and the division. No further public comment was provided following the detailed explanation provided by Mr. Smith.

2. The number of persons who:

	August 30, 2001	October 12, 2001
a) attended each hearing:	3	19
b) testified at each hearing:	0	3
c) submitted written comments:	2	0

3. Description of how comment was solicited from effected businesses, a summary of their responses, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by delivering notices of the public hearing and copies of the proposed additions to the NAC to every Nevada Sheriff and Police Chief, the Nevada Department of Prisons, every Nevada District Attorney, every Nevada District Judge, the Nevada State Public Defenders, the Washoe County and Clark County Public Defenders, and the Nevada Attorney General.

The board received written input from two businesses that may be affected by the proposed regulations. Washoe County Drug Court Attorney submitted a written letter indicating that the language in the proposed regulation was fine. Chief Warren Lutzow of the Division of Parole and Probation provided a written comment indicating the proposed regulation was okay.

4. If the regulations were adopted without changing any part of the proposed regulations, a summary of the reasons for adopting the regulations without change.

No written or verbal commentary was submitted to the board from the public or affected businesses requesting modifications to the board's proposed regulations. Two persons objected to the concept of requiring parolees to reimburse the court and the division however, they provided no further comment regarding the proposed regulations once the history of the legislation was explained and the fact that the board was specifically required by legislation to establish by regulation the requirement that parolees participating in a re-entry program reimburse the cost of their participation, to the extent of their ability to pay.

Accordingly, the board, proceeded to adopt without change the proposed regulations at the public hearing held on October 12, 2001.

5. The estimated economic effect of the adopted regulations on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- a) both adverse and beneficial effects; and**
- b) both immediate and long term effects.**

a. The proposed regulations are expected to have no negative immediate or long term financial impact on the public and should have a beneficial effect on re-entry courts and the Division of Parole and Probation. Parolees who have the ability to reimburse the court or division will be required to do so.

b. The proposed regulations are expected to have no immediate effect on affected businesses as it is a voluntary process by courts to establish a re-entry program. The board is unable to determine the long term impact on affected businesses due to the unknown number of offenders that these regulations will apply to, or the number of courts that will establish re-entry programs. Lastly, the board is unable to estimate the number parolees who participate in a re-entry program that will have the ability to pay to offset the cost of their participation.

6. The estimated cost to the agency for enforcement of the adopted regulations.

There is no additional cost to the agency for enforcement of the adopted regulations.

- 7. A description of any regulations of other state or government agencies which the proposed regulations overlap or duplicate and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations which the board's proposed regulations overlap or duplicate.

- 8. If the regulation includes provisions which are more stringent than a federal regulation which regulated the same activity, a summary of such provisions.**

There are no federal regulations that regulate the processes or decisions of the Nevada Parole Board.

- 9. If the regulation provides a new fee or increase an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The board's regulations do not provide for the collection of any fees by the parole board. The fee's required to be collected to offset the cost of participation in the re-entry program will be established by applicable courts and the Division of Parole and Probation.